

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:23-cv-01161

vs.

Hon. Jane M. Beckering
U.S. District Court Judge

86,766.00 USDT seized from OKX
account UUID ending 5504 and ID
Number '097799 with affiliated deposit
address ending 94d8,

Defendant Property.

_____ /

**AFFIDAVIT IN SUPPORT OF ENTRY OF DEFAULT
AGAINST POTENTIAL CLAIMANTS**

Daniel T. McGraw, Assistant United States Attorney for the Western District
of Michigan, being duly sworn, deposes and says:

1. I am an Assistant United States Attorney and the attorney of record for
Plaintiff, United States of America, and have personal knowledge of the facts set forth
in this affidavit.

2. On November 1, 2023, the United States filed a Verified Complaint for
Forfeiture *In Rem* against the Defendant Property in the above-captioned case. (R.1:
Complaint, PageID.1-21.)

3. On November 25, 2023, the United States sent via email, (a) the Verified
Complaint for Forfeiture *In Rem*, and (b) Notice of Complaint for Forfeiture, to known
potential claimant, Nguyen Thi Nu. The potential claimant was served via email by
a Special Agent with United States Secret Service. (*See* Exhibit 1.)

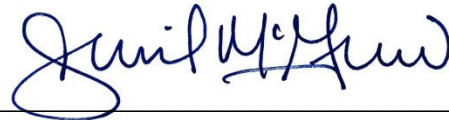
4. In the email dated November 25, 2023, the government informed the potential claimant that to contest the forfeiture, they would be required to “...file a claim and an answer with the United States District Court Clerk’s Office as specified in the Notice of Complaint for Forfeiture...” In the Notice of Complaint for Forfeiture filed with the U.S. District Court and sent to the potential claimant, the government stated that “...any person who asserts an interest in the [Defendant Property] must file a verified claim within 35 days after the date of this notice, if the notice is delivered by mail, or within 35 days of the date of delivery, if the notice is personally served and not sent by mail.” The letter also stated that “...[t]he verified claim and answer must be filed with the Office of the Clerk, United States District Court for the Western District of Michigan, 399 Federal Building, 110 Michigan Street, N.W., Grand Rapids, MI 49503...” and served upon the United States. (R.4: Notice, PageID.27-29.) Based upon the email dated November 25, 2023, the deadline to file a verified claim was December 30, 2023 (*i.e.*, 35 days after November 25, 2023).

5. On November 2, 2023, Notice of the Complaint for Forfeiture *In Rem* was also posted on an official government forfeiture internet site in accordance with Rule G(4)(a)(iii)(B), (iv)(C) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions for any unknown potential claimants. In the notice, unknown potential claimants were advised that a claim must be filed no later than 60 days after the first day of publication on an official government forfeiture internet site, or January 1, 2024. (*See Exhibit 2.*)

6. Known potential claimant Nguyen Thi Nu has failed to file a verified claim to the Defendant Property or an answer to the Complaint, and the time in which to do so has expired. There were also no verified claims to Defendant Property or an answer to the Complaint filed by unknown potential claimants.

7. I declare under the penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.

Daniel T. McGraw being duly sworn, deposes and says that he is the petitioner above named and that he has read the foregoing petition by his subscribed and knows the contents thereof; that the same is true of his own knowledge except as to matters therein stated upon information and belief, and as to those matters he believes the same to be true.



DANIEL T. McGRAW
Assistant United States Attorney

Subscribed and sworn to before me
this 16th day of January, 2024.

Cindy Vine, Notary Public
State of Michigan, Montcalm County, Acting in Kent
My Commission Expires: 08/06/2027